

STATE OF KANSAS
BEFORE THE KANSAS DEPARTMENT OF HEALTH AND
ENVIRONMENT

In the matter of the
Public Hearing for Updated Kansas Nonpoint Source Pollution Management Plan and Kansas
Water Quality Certification for Nationwide Permits issued by the U.S. Army Corps of Engineers
under authority of Section 404 of the Clean Water Act

REPORT OF THE HEARING OFFICER

This matter comes before Eugene Lueger, Hearing Officer appointed by the Secretary of the Kansas Department of Health and Environment (KDHE) to receive comments from the public regarding the Updated Kansas Nonpoint Source Pollution Management Plan and Kansas Water Quality Certification for Nationwide Permits issued by the U.S. Army Corps of Engineers under authority of Section 404 of the Clean Water Act.

INTRODUCTION

Notice of the public comment period and public hearing was published in the Kansas Register on March 31, 2011. A copy of the public notice is included in this report as Attachment 1. The public hearing was conducted at 1:00 p.m. on April 28, 2011 in Topeka, Kansas.

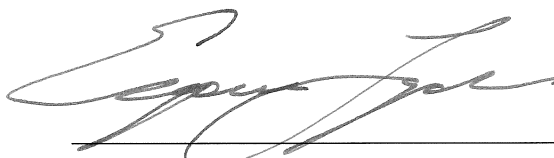
SUMMARY OF THE RECORD

A list of those persons present at the public hearing is included in this report as Attachment 2. The Hearing Officer opened the public hearing with introductory remarks. Kerry Wedel, Section Chief of the Watershed Management Section, Bureau of Water, Division of Environment, KDHE, provided a summary of the Updated Kansas Nonpoint Source Pollution Management Plan and Kansas Water Quality Certification for Nationwide Permits. Laura Calwell, Kansas Riverkeeper of the Friends of the Kaw presented oral comment. Written comments were received from eight entities in five separate letters and one comment was received from one entity in an email. The written comments are included in this report as Attachment 3.

FINDINGS OF FACT

1. The Secretary of the Kansas Department of Health and Environment provided public notice of the public comment period and hearing for the Updated Kansas Nonpoint Source Pollution Management Plan and Kansas Water Quality Certification for Nationwide Permits issued by the U.S. Army Corps of Engineers under authority of Section 404 of the Clean Water Act in the Kansas Register on March 31, 2011.
2. The public comment period establishing the time period for receiving public comments concluded on April 28, 2011 and the public hearing was held April 28, 2011 at 1:00 p.m.
3. Oral and written comments relating to this matter were received for consideration.

Dated this 2nd day of May, 2011.

A handwritten signature in dark ink, appearing to read 'Eugene Lueger', is written over a horizontal line.

Eugene Lueger
Hearing Officer